

## **REMARKS**

Receipt of the Office Action of May 15, 2009 is gratefully acknowledged.

The objection to the specification ( the abstract) is noted, as is the rejection to pending claims 8 and 11 - 17. The rejections are final and include the rejection of claims 8 and 12 under 35 USC 102(b) as anticipated by Najafi et al and the rejection of claims 11 and 13 - 17 under 35 USC 103(a) over Najafi et al in view of Baxter et al.

In order to place this application in better condition for appeal, the abstract has again been amended and should now satisfy the requirements for abstracts. As to the final rejections, these are respectfully traversed.

For the moment let us consider one distinction and the examiner's handling of that distinction. Claim 8 recites that "said elastic element comprises an elastic, insulating, organic layer with a plurality of embedded, conductive particles, grains or filaments." On page 3 of the Office Action, the examiner repeats this distinction and suggests that it is met by the disclosure in Najafi et al in col. 6, line 38 and col. 6, lines 46 - 51. This disclosure is as follows: Col. 6, line 38: "solder bumps, conductive polymers) such that the active," and Col. 6, lines 46 - 51: "An underfill material 14 is then applied to encapsulate the bonding pads, as shown in Fig. 2a. This underfill material 14 can be either a material such as epoxy, or another material which is compatible with specific processing requirements, such as cure temperature or coefficient of thermal expansion. The underfill material can be applied"

What do these passages from Najafi et al have to do with the distinction noted above? It is respectfully submitted that it has nothing to do with the distinction. In what way can solder be embedded? It cannot. Solder is a surface

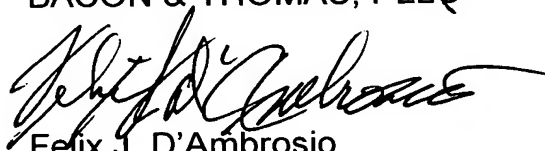
application. It is not embedded. If Najafi et al does not teach embedding, then how can it anticipate claim 8 which requires embedding? It cannot. If solder is creates a surface condition, then why would one of ordinary skill in the art choose to use solder, and how does one embed solder? They would not choose solder and it cannot not be embedded.

Najafi et al cannot, therefore, anticipate any of the pending claims, and moreover it can not serve to render any claims unpatentable under 35 USC 103(a) because embedding cannot be derived from Najafi et al's teaching.

The examiner is urged to reconsider his rejections and allow claims 8 and 11 - 17 thereby avoiding the need to continue with this appeal. And if the examiner persists in his rejections, then he is urged to explain how the embedded feature is taught by Najafi et al.

Date: September 15, 2009

Respectfully submitted,  
BACON & THOMAS, PLLC



Felix J. D'Ambrosio  
Attorney for Applicant

Registration Number 25,721

**Customer Number \*23364\***  
**BACON & THOMAS, PLLC**  
625 Slaters Lane, Fourth Floor  
Alexandria, Virginia 22314  
Telephone: (703) 683-0500  
Facsimile: (703) 683-1080

S:\Producer\ljd\CLIENTS\Endress+Hauser Holding GmbH\PECH3004-CD0179\Sept 15 2009 Response.wpd